

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6580 of 1995

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MADHUBALA LIALDHAR SAVALA

Versus

STATE OF GUJARAT

Appearance:

MR KETAN A DAVE for Petitioner

MR VB GHARANIA AGP for Respondent No. 1, 4

MR HS MUNSHAW for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 19/06/97

ORAL JUDGEMENT

The petitioner was appointed as a Junior Clerk under the respondent-Panchayat and she having failed to pass the Pre Service Training (Post Training) Examination within three statutory chances, her service came to be

terminated under order dated 22nd February, 1993, which was confirmed by the District Development Officer under order dated 4th April, 1995. Feeling aggrieved, the petitioner has preferred this petition. Under the interim order made on 2nd May, 1996, this court directed the District Development Officer to consider the petitioner's claim whether she can be said to have availed of third chance or not, and to decide whether the petitioner can be reinstated in service and be given one more chance to take the examination. Pursuant to the said order, the petitioner's case was considered and under order dated 19th October, 1996, the petitioner was reinstated in service and was permitted to take one more chance to appear at the aforesaid Examination. The question of grant of continuity in service and the payment of arrears of salary for the period for which the petitioner was out of service i.e. from 22nd February, 1993 till the date of reinstatement is yet to be decided.

2. Learned advocate Mr.Dave appearing for the petitioner states that in view of the petitioner's reinstatement in service and grant of one more chance to take the Examination, the petitioner's grievance stands substantially redressed. However, the petitioner shall make a representation for grant of continuity in service and the arrears of salary for the period during which the order of termination was operative after she clears the aforesaid Examination at the ensuing Examination.

3. In view of the above facts, this petition is disposed of. The petitioner shall have liberty to file a fresh petition in the event her claim for arrears of salary and continuity in service after she clears the aforesaid Examination at the ensuing Examination is rejected. Petition is disposed of accordingly. Rule is discharged.

JOSHI